



NEWARK HOUSING AUTHORITY MINORITY BUSINESS ENTERPRISE

The Newark Redevelopment and Housing Authority, located at 57 Sussex Avenue, Newark, New Jersey 07103, invites minority vendors and subcontractors to become a part of our active Minority program.

The Authority is implementing a competitive bidding process to attract qualified minority vendors and contractors to furnish various services and supplies:

Janitorial, Refrigerator, Shades, Extermination, Electrical, Fuel Oil, Ranges, Plumbing & Heating, Masonry, Tools, Elevators, Air Conditioners, Structures/Temporary, Paints, Paint/Accessories.

MBE means a business that is owned and controlled by one or more socially and economically disadvantaged persons. Such persons include, but not limited to, Blacks, American Indians or Alaskan Natives, Hispanics and Asians or Pacific Islanders.

Standard Operating Procedures

NEWARK HOUSING AUTHORITY

Office of Affirmative Action

24 Lock Street
Newark, NJ 07103
(201) 430-2596

STANDARD OPERATING PROCEDURES

This manual contains Procedural Guidelines to be followed by contractors and subcontractors to assure compliance with The Housing Authority's Affirmative Action requirements for MBE/WBE participation, manpower utilization and commodity sales when providing such services or supplies to the Authority pursuant to applicable service or vendor contracts.

NOTICE TO BIDDERS AND CONTRACTORS

The Newark Housing Authority is an affirmative action employer and pursuant to Federal and State regulations (Executive Order 11246 as amended and N.J.S.A. 18:36-20) we hereby advise you of our intent to transact business only with other affirmative action employers. All contractors and sub-contractors with whom we contract are obliged to take affirmative action to provide equal employment opportunity without regard to race, creed, color, national origin, age or sex. Bidders must also comply with the requirements of P.L. 1975, C. 127.

THE HOUSING AUTHORITY OF THE CITY OF NEWARK

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Charles A. Bell,
Affirmative Action Officer

STANDARD OPERATING PROCEDURES

Affirmative Action requirements for construction or demolition contractors and sub-contractors.

I. GENERAL STATEMENT:

All Contractors working on any part of a project under contract(s) or subcontract(s), which involve employment of construction trades workers specified under Section V, herein and exceeding \$10,300 shall be required to meet the conditions and provisions included herein, which are hereby incorporated into and made part of each contract and subcontract.

The Newark Housing Authority, hereinafter referred to as "Authority or NHA", will review contract bids from all contractors to determine whether the bidder has met the requirements of the Affirmative Action Program. Compliance will be monitored by the Authority's Office of Affirmative Action.

II. PREAMBLE:

The failure, historically, to employ minorities on construction projects has resulted in the necessity of the development of an Affirmative Action Program aimed at insuring that equal employment opportunities are afforded to all, regardless of sex, race, color, age, religion or national origin. Contractors, therefore, are required to extend a **positive** "good faith effort" in order to satisfy the requirements of each contract in order to insure that such equal employment opportunity is provided.

III. FINDINGS:

Affirmative action is a remedial concept imposing a duty on employers, employment agencies, and labor unions to take positive steps to improve the work opportunities of women, racial and ethnic minorities, and persons belonging to other groups who have been deprived of job opportunities.

The major source of an affirmative action requirement is Executive Order 11246. This Order and its implementing regulations require federal government agencies to include in their goods and services procurement contracts with business firms an equal employment opportunity clause committing the firm to treat job applicants and employees without regard to their race, color, religion, sex, or national origin.

III. FINDINGS: (Cont'd)

Under Executive Order 11246 as amended by Executive Order 11375, contractors and subcontractors must hire a new employee complement for each construction job. Consequently, out of necessity or convenience, many Contractors rely on the construction craft unions as their prime or sole source for labor. However, it has been determined that collective bargaining agreements and/or established custom between construction contractors, subcontractors and unions frequently provide for, or result in, discriminatory hiring halls. Even where the collective bargaining agreements contain no exclusive hiring hall provisions or custom is not rigid, as a practical matter, most people working in the construction industry are referred to Contractors by unions. Because of these hiring arrangements, referral by a union is a virtual necessity for obtaining employment in major commercial construction projects. However, because of the exclusionary practices of some labor organizations in the Metro Newark area, there traditionally has been only a small number of minorities employed in the construction trades. These exclusionary practices include:

1. Failure to admit minorities into union membership.
2. Failure of unions to refer minorities for employment.
3. Tendency of union halls to grant priority in referral to non-minority union members and to persons who have had work experience under union contracts.
4. Failure to admit minority group members into apprenticeship programs.

IV. DEFINITIONS:

For the purpose of all NHA contracts, unless the context indicates a different meaning:

1. Minority means African-American or Hispanic and Portuguese Americans, American Orientals, immigrants from the Indian subcontinent, Alaskan Eskimos and Native Americans. A complete listing of ethnics classified as minorities is located on the final page herein.

The Affirmative Action Officer or his/her designee shall review contract bids received by the Authority from all Contractors to determine whether the bidder has met the compliance requirements of the Affirmative Action Program.

IV. DEFINITIONS: (Cont'd)

The Affirmative Action Officer will view all documents submitted by bidders before the award of any contract for construction and assess these documents to determine whether the bidder has met the requirements of Equal Opportunity and Affirmative Action.

When available, the Affirmative Action Officer will request the referral of journeymen construction workers from the Minority Referral Service Program whenever unions are unable to supply them. Apprentices will be requested from the Newark Job Bank Trades & Training Corp, if and when it is operational. The Affirmative Action Officer shall determine the qualifications of the workers and classify each person as a journeyman, advanced apprentice, or basic apprentice for the purpose of applying the provisions herein.

Individuals shall be determined qualified for employment as journeymen, advanced apprentices, and basic apprentices solely upon the basis of experience, on-the-job evaluation and, where necessary, oral, written or performance examinations approved by the Affirmative Action Office. No arbitrary method of evaluation for measuring qualifications other than a person's ability to perform work shall be valid.

2. The Newark Job Bank Trades & Training Corp. is a non-profit corporation that cooperates with the Housing Authority by providing employment training to minority trainees and referring them to job opportunities with NHA contractors.
3. A pre-apprentice is a worker who has experience but does not possess the qualifications for entrance into an advanced apprenticeship program and demonstrates an interest in pursuing a craft in the construction industry.

V. CONTRACTOR'S OBLIGATION

By submitting a bid, the contractor certifies that he/she will comply with the requirements of the NHA Affirmative Action Plan, and shall make the Affirmative Action Program a part of his/her project specifications.

CONTRACTOR'S OBLIGATIONS: (Cont'd)

In addition, to be responsive to the his/her bid, the Contractor must submit a signed statement of compliance by each union with which he/she has a collective bargaining agreement covering workers to be employed on said project. If no such statement has been obtained, the contractor will submit documentation of his/her efforts to obtain the statement.

At a minimum, the Contractor (and/or relevant Subcontractors) shall submit with his/her bid the following documentation explicated in detail upon bidding for any particular job:

- Union statement of compliance
 - Affirmative action goals
 - Manning table (for subcontractors whose contracts exceed \$10,300)
 - All collective bargaining agreements
 - The name of the contractor's affirmative action officer
 - Certificate of compliance (narrative)
1. The contractor shall make every effort to employ persons residing in NHA Housing Developments in order to insure that such persons will be brought into the permanent construction industry labor force in the area.
 2. The contractor shall not discriminate against employees and applicants for employment on the grounds of union membership, or on the grounds of race, color, religion, sex, or national origin.
 3. Based on the findings made herein, the Contractor will make every good faith effort to meet the goals of minority journeymen utilization in the chart listed herein (See page 6) with respect to the performance of his/her contract, whether or not the work is subcontracted.
 4. The goals of the Affirmative Action Program in the selected trades listed on the next page shall be within the percentage ranges indicated, and, preferably, workers who are residents of the Authority's housing developments.

TRADES DESCRIPTION	GOALS OF MINORITY JOURNEYMEN UTILIZATION WITHIN THESE RANGES
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Bricklayers	30-25 percent
Carpenters	30-36 percent
Cement Finishers	30-35 percent
Electricians	30-37 percent
Elevator Constructors	30-35 percent
Glaziers	29-32 percent
Insulators	30-35 percent
Ironworkers	31-34 percent
Lathers	30-35 percent
Operating Engineers	30-35 percent
Painters	30-35 percent
Plasterers	30-35 percent
Plumbers/Pipefitters/Steamfitters	31-34 percent
Roofers	33-36 percent
Sheetmetal Workers	30-33 percent
Sprinkler Fitters	30-35 percent
Laborers	50 percent

On the attached form the contractor will submit with his/her bid the goals of minority journeymen utilization in the trades specified above in the performance of the contract. These goals shall be applicable whether or not the work is subcontracted.

5. The contractor will make every good faith effort to reach a goal of 50 percent minority group apprentices on the job in each trade listed above in which apprentices are employed, and shall also hold each of his/her subcontractors to this requirement.
6. The contractor will cooperate with the Affirmative Action Office in providing on-site training for minority workers employed on the work site and will provide on-site opportunities to basic and advanced apprentices referred by the Affirmative Action Office. The Affirmative Action Office shall retain the Newark Job Bank Trades & Training Corporation, when possible, for the purpose of recruiting and supplying training to minority apprentices referred to above.

CONTRACTOR'S OBLIGATION: (Cont'd)

7. The contractor shall not be required to employ more apprentices than the number specified under the apprentices to journeymen ratio set forth in any collective bargaining agreement; provided: no ratio requiring the employment of more than five (5) journeymen for each apprentice shall be applicable where the employment of minority group apprentices is necessary in order to permit the contractor to meet minority hiring obligations under NHA's Affirmative Action guidelines.
8. Criteria for Measuring Good Faith:
 - a. The contractor shall hire for employment such laborers, basic apprentices and advanced apprentices, persons referred to him/her by the Joint Apprenticeship Program of the Newark Job Bank Trades & Training Corporation, who have been so classified and approved by the NHA Affirmative Action Office. If the contractor does not employ any person so referred, he/she shall submit a written explanation on the same day to the office of Affirmative Action.
 - b. The collective bargaining agreements between contractors, subcontractors and the various unions shall remain in force and effect, except to the extent that they are inconsistent with the terms of the NHA Affirmative Action Plan. Where required by custom or agreement, the contractor shall send referrals from the Affirmative Action Office to the union registrar for referral, or to the apprenticeship program for admission. The unions will have no right of rejection over Review Council referrals.
 - c. The contractor will notify the Authority's Affirmative Action Office whenever he/she has reason to believe that a union with which she/he has a hiring hall or referral agreement, or an apprenticeship program arrangement, engages in such referral, membership admission, or other practices as will substantially impede the contractor in his efforts to meet his/her Affirmative Action obligations to the NHA.

V. CONTRACTOR'S OBLIGATION: (Cont'd)

- d. A Contractor shall not be deemed to have exercised good faith under this agreement solely because of union opposition, even if the union threatens a work stoppage because of the implementation of the NHA's Affirmative Action plan. It shall be incumbent upon the contractor, as employer, to assure that referrals under this plan are treated fairly by the unions and their members.
9. The contractors (and each subcontractor whose contract(s) exceed \$10,300), shall develop and submit a Manning Table. This document shall identify his/her estimated manpower requirements for the duration of the job, broken down by trade and month. The manning of the job shall be related to this document which shall be brought up to date as required, but not less than once monthly. These documents shall be sent to the Review Council. A sample Manning Table is located on pages 29 and 30 in this manual.
10. The contractor shall submit copies of his/her collective bargaining agreement(s) covering workers to be employed on the project, and the bargaining agreement(s) of each subcontractor to the NHA Affirmative Action Office.
11. The contractor shall designate a principal officer of his/her firm to be the Affirmative Action Officer. This person shall be responsible for administering Affirmative Action requirements and reporting to the Review Council, and the Authority, to assure attainment of the goals set forth herein and the implementation of the training program. (A sample EEO form is located on page 28).
12. Each contractor's Affirmative Action Compliance Officer will be responsible for to maintaining a check list indicating whether contractors or subcontractors, have complied with NHA Affirmative Action requirements detailed in this document; a check list is located on page 49.
13. The contractor (or subcontractor) must also submit a signed narrative "Statement of Compliance" form listing NHA Affirmative Action requirements in addition to Federal, State, and Municipal mandates. (See replica on page 26).

VI. UNION STATEMENT:

When the contractor has a referral agreement or arrangements with a union covering workers to be employed on any project, he/she shall submit with his/her bid a statement similar to the one on page 27, signed by an authorized union official, in which the union agrees as follows:

1. The union will take such action as may be necessary with respect to the referral and the employment of minority group persons in order to enable the contractor to meet his/her obligations to achieve Affirmative Action goals.
2. The union will cooperate with the Affirmative Action Office in providing on-site training for minority trainees on the construction site.
3. Participating unions will assure that minority group journeymen employed by the contractor shall be admitted to union membership within the time limits contained in the respective union's applicable collective bargaining agreements, constitutions, and by-laws, and on the same basis as non-minority workers.

The contractor will promptly notify the NHA Affirmative Action Office of any failure of the union to comply with its referral agreement statement. If a union refuses to sign the statement described above, the Contractor will document his/her efforts to obtain such statements, including the reason given by the union for not signing the statement, and submit such documentation with the bid. A bid shall be unresponsive if unaccompanied either by an acceptable union statement or by documentation as to why such statement could not be obtained.

In addition, the award of a Subcontract will not be approved if the Contractor has not submitted an acceptable union statement or an explanation of the failure to obtain such a statement.

The failure of the union to sign the statement described above does not excuse the contractor from his obligation to comply with the conditions and provisions of the Affirmative Action Program set forth herein.

VII. SUBCONTRACTORS:

Each Prime contractor is responsible for the performance of his subcontractors for the implementation of the Affirmative Action Program during the performance of the contract. Whenever the contractor subcontracts a portion of the work on any project, the subcontract shall bind the subcontractor to the obligations contained herein to the same extent as though he/she were the prime contractor.

VIII. COMPLIANCE: Cont'd

In the event of failure by a contractor to meet the minority manpower commitments specified herein, he/she shall be given an opportunity to demonstrate that he/she has made every good faith effort to meet the commitments. In any proceeding that such good faith is an issue, all of the actions of the contractor in seeking to comply with the NHA's Affirmative Action requirements shall be reviewed and evaluated by the Authority's Affirmative Action Officer.

1. If a contractor fails to adhere to Affirmative Action requirements that have been mandated by the NHA or negotiated with MBE subcontractors, an alert notice detailing the infraction(s) will be sent the contractor by certified mail.
2. If the non-compliance factors set forth in the Alert Notice are not removed within three(3) days, the Affirmative Action Officer shall follow up by issuing a written Violation Notice. Upon issuance of such notice, the contractor will have seven(7) working days to remove the violation.
3. Either the Alert Notice or the Violation Notice may be removed if the Contractor meets his/her obligation(s) under the conditions specified herein, or if he/she presents a satisfactory explanation in writing as to why such compliance is impractical or impossible.
4. Failure to satisfactorily remove a violation shall be investigated by the Affirmative Action Office. If a determination is made that a contractor is not in compliance with NHA Affirmative Action regulations a recommendation for sanctions shall be prepared by the Affirmative Action Office. Such recommendation shall be implemented by the Authority unless it is deemed unreasonable. Sanctions may include any or all of the following:
 - a. The withholding of contract payments.
 - b. The suspension or termination of the contract.
 - c. The assessment of damages caused by non-compliance: actual or liquidated. Liquidated damages shall be assessed by the Authority on behalf of the minority individual injured by the non-compliance of the contractor or subcontractor.

COMPLIANCE: Cont'd

At the rate of \$500.00 per individual plus the full amount of back pay due to the individual from date of referral. This penalty shall not exclude payment for any other damages which the individual can document as a result of the non-compliance.

- d. Requiring the contractor to enforce his/her obligation(s) under his/her contract with subcontractors, either by suit at law, or in equity, or arbitration, whichever is appropriate.
- e. Commencement of an action at law, in equity, or proceeding in arbitration as third-party beneficiary.

HOUSING AUTHORITY OF THE CITY OF NEWARK

Office of Affirmative Action

STANDARD OPERATING PROCEDURES

GENERAL INFORMATION

The Standard Operating Procedures have been established for the purpose of assuring compliance with the Housing Authority's Affirmative Action Plan.

The procedures set forth herein are mandatory and apply to all owners, developers, general contractors, subcontractors, suppliers and vendors receiving land leases, contracts or special concessions from the Newark Housing Authority.

1. The Affirmative Action Office is available to answer and interpret the NHA policies set forth herein.
2. All general/prime contractors awarded an NHA demolition contract or construction contract must attend a conference with the NHA's Affirmative Action Office.
3. All general/prime contractors must complete and submit to the Affirmative Action Office an entire set of pre-award documents at least one week prior to starting construction.
4. All suppliers/vendors must submit Affirmative Action compliance agreements if their contract or purchase order is in excess of \$10,300. The general/prime contractor must include in their proposals all suppliers and/or vendors.
5. All contractors doing any work for the Housing Authority must register with the License Bureau, City Hall, 920 Broad Street, Newark, New Jersey, prior to starting work.
6. Section 3 of HUD Act of 1968: Under the provisions of Section 3 of the Housing and Urban Development Act of 1968, as amended, the PHA shall require that, TO THE GREATEST EXTENT FEASIBLE, OPPORTUNITIES FOR TRAINING AND EMPLOYMENT BE GIVEN TO LOWER-INCOME PERSONS RESIDING WITHIN THE UNIT OF LOCAL GOVERNMENT OR THE METROPOLITAN AREA (or non-metropolitan county), as determined by the Secretary, in which the project

NHA STANDARD OPERATING PROCEDURES/General Information: Cont'd:

is located; and that contracts for work be awarded to business concerns which are located in or owned in substantial part by persons residing in the same metropolitan area (or non-metropolitan county) as the project, provided that the contract award complies with State and local law and Federal requirements.

MINORITY AND WOMEN'S BUSINESS OR INDIAN ENTERPRISE OPPORTUNITY

MBE GOAL: Under Executive Orders 11625 (36 FR 1967) and 12432, the PHA, as part of its affirmative action program, shall provide every feasible opportunity for minority business enterprises (MBEs) to participate in bidding for modernization work. The PHA shall establish through Board resolution, the awarding of contracts with construction contractors, architects/engineers, consultants (for both physical and management improvements) and purchases under the HUD Consolidated Supply Program.

DEFINITIONS:

7. a. MBE: - means a business that is owned and controlled by one or more socially and economically disadvantaged persons. Such persons include, but are not limited to African Americans, Native Americans or Alaskan Natives, Hispanics and Asian Americans or Pacific Islanders.
- b. OWNED AND CONTROLLED: - by one or more socially and economically disadvantaged person(s), or a for-profit business or nonprofit organization controlled by such person(s), possess at least 51 percent of the ownership of the business, and its management and daily business operations are controlled by such persons.

WOMEN'S BUSINESS ENTERPRISES: Under Executive order 12138, both PHAs and IHAs shall take appropriate affirmative action to assist women's business enterprises.

HOUSING AUTHORITY OF THE CITY OF NEWARK

Office of Affirmative Action

STANDARD OPERATING PROCEDURES

CONTRACTORS RESPONSIBILITIES

1. When contracts for services or supplies are in the amount of \$100,000 or more, the general/prime contractor is responsible for awarding 30% of the total contract/project dollar amount to minority subcontractor(s) in accordance with HUD's PIH 85-6 (PHA).
2. The general/prime contractor is responsible for each of his/her subcontractor's compliance with the Housing Authority's Affirmative Action requirements.
3. The contractor or subcontractor shall revise any of its testing procedures, if necessary, to assure that all personnel testing conforms with the principles of job-related testing, as established by the statutes and court decisions of the State of New Jersey and as established by applicable Federal law and applicable Federal court decisions.
4. The contractor or subcontractor shall review all procedures relating to transfer, upgrading, downgrading and layoff to ensure that all such actions are taken without regard to age, creed, color, national origin, ancestry, marital status or sex, and conform with the applicable employment goals, consistent with the statutes and court decisions of the State of New Jersey, and applicable Federal law and applicable Federal court decisions.
5. The general/prime contractor has the responsibility to submit all manpower reports, and any other document(s) that may be required by the Housing Authority's office of Affirmative Action.

THE STATE OF NEW JERSEY UNIFIED CERTIFICATION PROGRAM

General Information

The State of New Jersey encourages the development of businesses owned by minorities and women. Technical and financial assistance, contract procurement, and other programs have been established to foster their growth and development.

PURPOSE:

The Unified Certification Program is established to provide a uniform procedure for certifying the eligibility of businesses owned by minorities and women to bid on public contracts. It is intended to insure that only bona fide minority business enterprises (MBEs) or women business enterprises (WBEs) participate in these programs and allow MBEs and WBEs to apply for State Certification through a single application process.

APPROVED CERTIFICATION AGENCIES:

Disadvantaged Business Enterprise Program Office
New Jersey Department of Transportation
1035 Parkway Avenue-CN 600
Trenton, NJ 08625
(609) 530-3882

Port Authority of New York & New Jersey
Office of Minority Business Development
One World Trade Center
New York, NY 10048
(212) 432-4188

Ms. Joyce Vinson, Certification Officer
New Jersey Transit
P.O. Box 10009
Newark, NJ 07102
(201) 491-7202

Mr. John A. Walz, Chief
Bureau of Contract Administration
946 Lower Ferry Road
Trenton, NJ 08625
(609) 530-2103

Mr. Anthony Vergara, Acting Chief
State of New Jersey
Certification and Approvals Unit
One West State Street-CN 835
Trenton, NJ 08625-0835

New York, New Jersey Minority Purchasing Council
60 John Street ~ Bridge & Jay Streets
Brooklyn, NY 11201-1122
1-(718) 243-6000
Fax #: 718-858-9010

WARNING:

It has come to attention that some firms who have had themselves classified as MBES, DBES and/or WBES in order to qualify for "set-aside" contracts are in fact "fronts". Such firms falsely represent themselves as being owned and/or controlled by minorities or women. Such business have misrepresented themselves as majority owned firms controlled by wives or female relatives in order to evade being disqualified for eligibility as suppliers of products and providers of services.

Therefore, all bidders are hereby notified that misrepresentation as a Small Business or Disadvantaged Business Enterprise/Women-Owned Business Enterprise is actionable under law.

Accordingly, all vendors and contractors should be aware of Public Law 99-272, "Consolidated Omnibus Budget Reconciliation Action of 1985", which amends Section 16 of the Small Business Act. This amendment establishes penalties of not more than a \$50,000 fine or imprisonment of not more than five years, or both, for misrepresenting, in writing, the status of any concern or person as a small business concern or small business concern owned and controlled by socially and economically disadvantaged individuals in order to obtain for oneself or another any prime or subcontract to be awarded as a result, or in furtherance, of any other provision of Federal law that specifically references Section 8(d) of the Small Business Act for a definition of eligibility.

In addition, action may be brought under the Federal Racketeer Influenced and Corrupt Organizations Act (RICO) which provides civil and criminal penalties for actual damages, or the seizure and forfeiture of property. Such breaches are also subject to accountability under New Jersey law.

Moreover, the Small Business Act (Section 16), 15U.S.C. 645 also provides penalties for false statements and misrepresentations. Under this provision, violators are subject to a penalty of up to \$500,000 or by imprisonment for not more than 10 years or both.

It should additionally be noted that suspension and debarment from further participation in any program conducted under the authority of the Small Business Act or the Small Business Investment Act of 1958(15U.S.C. 661, et seq.) for a period not to exceed three years are applicable penalties as specified in 13 CFR part 145 of subpart 9.4 of the Federal Acquisition Regulation, (48 CFR subpart 9.4), or any successor regulation.

HOUSING AUTHORITY OF THE CITY OF NEWARK

Office of Affirmative Action

STANDARD OPERATING PROCEDURES

CONTRACTORS RESPONSIBILITIES
UNDER HUD'S PIH 85-6 (PHA)

It is HUD's policy that each PHA shall establish MBE participation regulations in HUD-funded programs. The following annual goals are in effect, and represent the percentage of the dollar value of contracting and procurement activities.

1. DEVELOPMENT-30% of the dollar value of the total of contracts awarded and purchases made under the development program.
2. MANAGEMENT-30% of the amount expended for management operations under the account classifications listed below as shown on the Statement of Operating Receipts and Expenditures, Form HUD-52599.

The goal is based on total expenditures under these classifications for contracts and purchase of supplies and services (not salaries, wages & benefits paid to employees).

ACCOUNT #:

ACCOUNT TITLE

4130.....	Legal Expenses
4170.....	Accounting and Auditing Fees
4220.....	Recreation, Publication and Other Services (Tenant Services)
4230.....	Contract Costs Training and Other Services (Tenant Services)
4420.....	Materials (Ordinary Maintenance and Operation)
4430.....	Contract Costs (Ordinary Maintenance and Operations)
4470.....	Materials (Protective Services)
4479.....	Contract Costs (Protective Services)
4510.....	Insurance
4610.....	Extraordinary Maintenance (Contract and Purchases)
7520.....	Replacement of Non-expendable Equipment
7540.....	Property Betterments and Additions (Contracts and Purchases)

3. CIAP/MODERNIZATION - 30% of the dollar value of the total contracts awarded and purchases made with CIAP/MOD funds during the fiscal year.

NHA STANDARD OPERATING PROCEDURES CONTRACTORS RESPONSIBILITIES
UNDER HUD'S PIH 85-6 PHA: Cont'd

4. SECTION 8 EXISTING - 30% of the dollar value of the total contracts awarded and purchases made with Section 8 funds during the fiscal year. Please note that by their very definition, Housing Assistance Payments should not be counted, rather funds awarded/spent from the PHA administrative fee, IPA audit allowance, etc.

HOUSING AUTHORITY OF THE CITY OF NEWARK

Office of Affirmative Action

STANDARD OPERATING PROCEDURES

PRE-AWARD DOCUMENTS TO BE PROVIDED TO AFFIRMATIVE ACTION OFFICE BY CONTRACTORS

- A. Statement of Compliance
- B. Letter to Union
(If non-union, must send letter to that effect.)
- C. Designation of Compliance Officer
- D. Contractor's Goals
- E. Contractor's Obligations
- F. Manning Table
(Six-month projection of manpower to be used on project.)
- G. Minority Business Utilization Certificate (See page 37.).

(All required items to be completed and include the total dollar amount awarded to date. General/prime contractors will indicate on their Certificate all suppliers and/or vendors with direct awards or purchase orders given by them. All Contractors must submit an updated Certificate before the 5th of each month.)
 - 1. All dates and dollar amounts must be included.
 - 2. Suppliers and vendors with contracts in excess of \$10,300 must complete the forms on pages 30, 37 and 38.
- H. All Minority Contractors will submit a copy of their certification.

HOUSING AUTHORITY OF THE CITY OF NEWARK

Office of Affirmative Action

STANDARD OPERATING PROCEDURES

PROCEDURE FOR MEETING MANPOWER REQUIREMENTS

PURPOSE:

To establish a procedure for each Contractor to follow with regard to employment of Union or Non-union journeymen and apprentices.

PROCEDURES:

A. JOURNEYMEN

1. The minority requirement for all journeymen hours are 33-1/3% with the exception of laborers. Laborers shall be 50%. Contractors will make every effort to reach minority hours through union referrals. A maximum of seventy-two(72) hours should be allotted for the unions to supply minority journeymen.
2. If the required hours cannot be reached through union referrals, the Contractor should document this effort and immediately forward a copy to the NHA Affirmative Action Office, 24 Lock Street, Newark, New Jersey 07103.
3. If the contractor refuses to employ any person referred by the union, he/she must submit a written explanation within 24 hours to the Office of Affirmative Action, keeping in mind that any refusal to employ any person referred must be based solely on ability and/or performance and should not in any way be influenced by union membership or any other organizational affiliation.
4. If, after making a good faith effort to obtain minority journeymen through unions, the contractor cannot meet the minority man hour requirement, she/he must notify the Office of Affirmative Action in order to obtain alternative referrals for the necessary minority journeymen.
5. The non-union journeymen must be paid union wages or prevailing wages.

PROCEDURE FOR MEETING MANPOWER REQUIREMENTS

A. (Continued)

6. If a contractor finds that a union will not accept the benefits and/or provide the coverage as per the collective bargaining agreement for non-union journeymen, she/he should document this effort and submit a copy to the Affirmative Action Office. He/she must then pay the fringe benefits to the non-union journeymen in his paycheck.
7. The contractor will be considered in compliance ONLY when the 33-1/3% minority hours have been met for journeymen and 50% minority hours for laborers.

B. UNION APPRENTICES:

1. Union apprentices are to be placed on the job according to the bargaining agreement between the contractor and the union.
2. Fifty percent(50%) of all apprentice hours must be assigned to Minority workers.
3. The contractor will be considered in compliance with NHA Affirmative Action requirements only when the 50% minority apprentice hours have been met.
4. If the contractor refuses to employ any person referred by the union, she/he must submit a written explanation within 24 hours to NHA's Office of Affirmative Action, keeping in mind that refusal to employ any person referred must be based solely on ability and/or performance and should not in any way be influenced by union or any other organization affiliation.

C. NEWARK HOUSING AUTHORITY APPRENTICES:

Union apprentices are not be confused with the Housing Authority's apprentice trainees. Newark Job Bank Trades & Training Corporation is the Housing Authority's designated referral source. It is approved by the Bureau of Apprentice Training, United States Department of Labor.

1. In meeting the goal of 20% of all journeymen hours, in each trade, to be worked by NHA apprentices, the Affirmative Action Office shall be contacted for referrals. The contractor will provide on-site training opportunities to NHA apprentices who receive off-site educational and technical training under Newark Job Bank Trades & Training Corporation.

C. (Continued)

2. When the contractor has five(5) journeymen in any one craft, one(1) apprentice, in that craft, will be referred to the contractor. The Housing Authority's apprentice ratio is based on the unemployment rate in the City of Newark.

PROCEDURE FOR MEETING MANPOWER REQUIREMENTS

3. The contractor shall be required to evaluate NHA apprentices on a monthly basis, so that any deficiency that the apprentice has can be corrected.
4. When a build-up is anticipated, the contractor should assess how many apprentices he will need and notify the Housing Authority's Affirmative Action Office in writing.
5. Every Contractor is required to pay benefits to the appropriate unions.
6. If a contractor finds that a union will not accept the benefits and/or provide the coverage as per Collective Bargaining Agreement, he/she should document the effort and submit a copy to the Office of Affirmative Action.
7. The contractor is required to inform the apprentice of company policies regarding health benefits and time of coverage.
8. TENANT EMPLOYMENT:

- A. The contractor shall be required to establish affirmative and aggressive employment procedures to implement a preferential hiring plan for NHA tenants in all jobs and training opportunities generated by their contract. If he/she has collective bargaining agreements with labor unions she/he must submit evidence that these labor organizations are aware of and approve of the tenant hiring procedures requirement.
- B. A list of potential tenant employees will be provided to the contractor by the Office of Affirmative Action.

PROCEDURE FOR MEETING MANPOWER REQUIREMENTS

B. (Continued)

The contractor agrees to select from this list the tenants to be employed at a ratio of at least one(1) tenant to every twelve(12) non-tenant employees. However, if there are less than 12 employees, one tenant must be hired after the eighth(8th) employee.

- C. All tenants employed as laborers, trainees, apprentices, or mechanics by the contractor or his subcontractor, shall be paid wages at rates not less than those prevailing on similar construction jobs in this locality, as determined by the Secretary of Labor in accordance with the Davis-Bacon Act as amended (40-U.S. 276a-0276a5).

HOUSING AUTHORITY OF THE CITY OF NEWARK

Office of Affirmative Action

STANDARD OPERATING PROCEDURES

DAILY REPORTS

1. The Daily Report must be filled out completely by the site superintendent, foreman or his/her representative.
2. This report must be ready for the Affirmative Action Compliance Officer's Inspection of manpower on site no later than 9:00 a.m. each day.
3. In order to simplify this report, it is suggested that the home office pre-type and reproduce enough forms with the company's information, project location, and list all of their subcontractors and their respective crafts. The site superintendent, foreman or representative need only to date, fill in the correct manpower level and sign.
4. All contractors and subcontractors working other than the normal day time hours must notify the Affirmative Action Office.
5. The Affirmative Action Office must be notified in advance on any construction project's closing and the reason.
6. All manpower disputes must be brought to the attention of the Affirmative Action Office.

HOUSING AUTHORITY OF THE CITY OF NEWARK

Office of Affirmative Action

STANDARD OPERATING PROCEDURES

CERTIFIED PAYROLL REPORTS

1. Each Contractor must submit a copy of his/her weekly payroll listing all manpower working on a project, excluding administrative personnel.
2. A clearly defined indicator of the first week and the final week must be made on the weekly payroll form. All in between weeks will be dated for each respective pay period.
3. Names, addresses and social security numbers must be included for all manpower reported.
4. Total hours, salary, and trade must be indicated for each individual.
5. Minority, non-minority and female must be indicated for each individual.
6. The name and telephone number of the person responsible for preparing project payrolls must be included.

NOTE: IF ALL OF THE ABOVE INFORMATION IS ALREADY INCLUDED ON A COMPANY'S REGULAR PAYROLL REPORTING FORM, THAT REPORT WILL BE ACCEPTED. HOWEVER, IF THE INFORMATION IS NOT INCLUDED, THE PAYROLL FORM PROVIDED BY THE OFFICE OF AFFIRMATIVE ACTION MUST BE USED. (See page 37, for sample).

STANDARD OPERATING PROCEDURES

MANDATORY STATEMENT OF COMPLIANCE BY ALL CONTRACTORS

AFFIRMATIVE ACTION PLAN

The employment policies and practices of the (YOUR COMPANY'S NAME) are to recruit and to hire employees without discrimination because of race, creed, color or national origin, and to treat them equally with respect to compensation and opportunities for advancement, including upgrading, promotion and transfer.

This company submits this plan to assure compliance with Executive Order No. 11246 and subsequent orders and more specifically the Housing Authority of the City of Newark's Affirmative Action Plan that may pertain to this program and to reaffirm its continued commitment to a program of equal employment opportunity and merit employment policies.

It agrees to assert leadership within the community and to put forth the maximum effort to achieve full employment and utilization of the capabilities and productivity to all our citizens without regard to race, creed, color or national origin.

This company further recognizes that the effective application of a policy of merit employment involves more than a policy statement and will, therefore, undertake a program of affirmative action to make known that equal employment opportunities are available on the basis of individual merit to all persons seeking employment and to strive for advancement on this basis.

PRESIDENT/DIRECTOR

YOUR COMPANY'S NAME

ADDRESS

JOB SITE

cc: Office of Affirmative Action

SAMPLE UNION STATEMENT

The _____ Union
being a party to a collective bargaining agreement covering workers
to be employed on the project, in order to assure equal employment
opportunity on such project, agrees as follows:

1. It will cooperate with contractors with whom it maintains a collective bargaining agreement and the AUTHORITY with regard to the full implementation of the terms of the supplemental general conditions relating to Affirmative Action for Equal Employment Opportunity at the project (hereinafter referred to as Supplemental Conditions).
2. It will refrain from any practice or policy which has as its purpose or effect impeding the contractor or subcontractor in meeting his/her Affirmative Action obligations.
3. It will take such action as may be necessary with respect to the referral and employment of minority group persons in order to enable the contractor, and subcontractor to meet their obligations under these Supplemental Conditions.
4. It will cooperate with the contractor in providing on-site training.
5. It will admit to membership all minority group journeymen employed by the contractor within the time limits prescribed in the applicable collective bargaining agreement, union constitution and by-laws.

(Signed): _____

Title

Subscribed and sworn to before
me this _____ day of
_____ 19 _____

TITLE

My commission Expires: _____

(This notice is to be posted in an easily visible, high traffic location.)

DESIGNATION OF COMPLIANCE OFFICER/
EQUAL EMPLOYMENT OPPORTUNITY

YOUR COMPANY
Street/Avenue
Town, New Jersey

ATTENTION: ALL EMPLOYEES

(Mr./Ms. J _____ Doe) has been appointed the Affirmative Action Compliance Officer, under the direct supervision of (YOUR COMPANY'S DIRECTOR/PRESIDENT), for the (NAME OF YOUR COMPANY). He/she will handle all complaints which allege discrimination because of race, creed, color or national origin. He/she will also handle all compliance situations relative to the Housing Authority of the City of Newark's Affirmative Action Program.

This company has pledged to abide by the provisions of the Civil Rights Act of 1964 and the current Executive Order relating to Equal Employment Opportunity.

(Mr./Ms. J _____ Doe) can be reached by telephone at (PHONE NUMBER). His/Her office address is a (Town, New Jersey).

PRESIDENT/DIRECTOR

SITE

cc: NHA Office of Affirmative Action

USE COMPANY LETTERHEAD

CONTRACTOR'S GOALS

T R A D E

MINORITY/JOURNEYWORKER'S
GOALS (In Percentage)

Asphalt Workers
Bricklayers
Carpenters
Cement Finishers
Curb and Sidewalk Installers
Electricians
Elevator Constructors
Glaziers
Heating Temperature Controllers
Insulators
Iron Workers
Laborers
Operating Engineers
Painters
Plumbers/Pipefitters/Steamfitters
Pneumatic Tubing Installers
Roofers
Sheetmetal Workers
Tile Setters

This is a sample form. The Housing Authority's goal for Minority Journey Workers hours is 33-1/3% of each trade. However, Minority Laborers goal will be 50%. If your company's trade is not included, please add it to the list.

JOURNEYMEN			APPRENTICES			TRAINEES
TOTAL NUMBER	NUMBER OF NON-MINORITY	NUMBER OF MINORITY	TOTAL NUMBER	NUMBER OF NON-MINORITY	NUMBER OF MINORITY	TOTAL NUMBER
1	1	0	1	1	1	0
2	1	1	2	1	1	0
3	2	1	3	1 or 2	1 or 2	0
4	3	1	4	2	2	0
5	3	2	5	1 or 3	2 or 3	1
6	4	2	6	3	3	1
7	5	2	7	3 or 4	3 or 4	1
8	5	3	8	4	4	1
9	6	3	9	4 or 5	4 or 5	1
10	7	3	10		5	2
11	7	4	11	5 or 6	5 or 6	2
12	8	4	12	6	6	2
13	9	4	13	6 or 7	6 or 7	2
14	9	5	14	7	7	2
15	10	5	15	7 or 8	7 or 8	3
16	11	5	16	8	8	3
17	12	5	17	8 or 9	8 or 9	3
18	12	6	18	9	9	3
19	13	6	19	9 or 10	9 or 10	3
20	14	6	20	10	10	4

MINORITY JOURNEYMEN = 33 1/3%

MINORITY APPRENTICES = 50%

TRAINEES
(MINORITY
1 PER 5
JOURNEYMEN)

Above chart is suggested for minimum compliance requirements. However, one-third man hours must be worked by minorities.

YOUR COMPANY'S LETTERHEAD

CONTRACTOR'S OBLIGATIONS

(This report is required by Executive Order 11246, Section 203.
Failure to report can result in sanctions.)

ATTENTION: Office of Affirmative Action

RE: Contract No. _____

Dear

We shall designate the Affirmative Action Officer or his/her designee to submit the weekly payroll records for all crafts covered under the contract provisions. In addition, we will include a monthly cumulative summary of project manhours worked on a craft by craft basis, and identified as to minority or non-minority status.

The (NAME OF YOUR COMPANY) will submit copies of any collective bargaining agreement covering workers to be employed on the project.

Sincerely,

John or Jane Doe
President

YOUR COMPANY'S NAME

JOB SITE

ADDRESS

CONTRACTORS PROJECTED MANPOWER UTILIZATION
BY MONTHS

Sample Sheet

[illegible]

INSTRUCTIONS PAGE 1 CONTRACTOR SHALL DEVELOP AND MAINTAIN A PROJECTED MANNING REQUIREMENT. A COMPLETE PROJECTION WILL BE SUBMITTED TO ACCOMPANY APPENDIX C-1 AND MAINTAINED MONTHLY, BASED ON SIX MONTHLY FORECASTS.

OFFICE OF AFFIRMATIVE ACTION
Minority Business Enterprises Utilization Certificate

JOB SITE

Name of Company Address, Telephone, IRS No.	D A T E S	MINORITY STATUS	TYPE OF WORK SERVICE AND/OR SUPPLIES	DOLLAR AMOUNT OF CONTRACT
	Contract Awarded	Minority <input type="checkbox"/> Yes <input type="checkbox"/> No		
	Projected Start Date	Non-Minority <input type="checkbox"/> Yes <input type="checkbox"/> No		
	Projected Completion Date	W E B <input type="checkbox"/> Yes <input type="checkbox"/> No		
	Telephone No.			
IRS No.				
	Contract Awarded	Minority <input type="checkbox"/> Yes <input type="checkbox"/> No		
	Projected Start Date	Non-Minority <input type="checkbox"/> Yes <input type="checkbox"/> No		
	Projected Completion Date	W E B <input type="checkbox"/> Yes <input type="checkbox"/> No		
	Telephone No.			
IRS No.				
	Contract Awarded	Minority <input type="checkbox"/> Yes <input type="checkbox"/> No		
	Projected Start Date	Non-Minority <input type="checkbox"/> Yes <input type="checkbox"/> No		
	Projected Completion Date	W E B <input type="checkbox"/> Yes <input type="checkbox"/> No		
	Telephone No.			
IRS No.				
	Contract Awarded	Minority <input type="checkbox"/> Yes <input type="checkbox"/> No		
	Projected Start Date	Non-Minority <input type="checkbox"/> Yes <input type="checkbox"/> No		
	Projected Completion Date	W E B <input type="checkbox"/> Yes <input type="checkbox"/> No		
	Telephone No.			
IRS No.				

NOTE: This form MUST be filled out completely; all dates and dollar amounts must be included.
This is a monthly form due by the 5th of each month.

IN WITNESS, WHEREOF, the undersigned has caused this certificate to be
executed this day of , 19 .

TITLE: _____ Sworn and subscribed to me before this day of , 19 .

AFFIRMATIVE ACTION EMPLOYEE INFORMATION REPORT

**IMPORTANT - READ INSTRUCTION CAREFULLY BEFORE COMPLETING FORM.
PRINT OR TYPE ALL INFORMATION**

SECTION A - IDENTIFICATION

1. PAYROLL LOCATION NO. 2. DEPARTMENT 3. TOTAL NO. EMPLOYEES

4. SITE LOCATION

5. STREET 6. CITY 7. STATE 8. ZIP CODE

OFFICIAL USE ONLY

DATE RECEIVED	OUT OF STATE PERCENTAGES
MO/DAY/YR	MINORITY FEMALE

SECTION B - EMPLOYMENT DATA

Report all permanent, temporary and part-time employees ON YOUR OWN PAYROLL. Enter the appropriate figures on all lines and in all columns. Where there are no employees in a particular category, enter a zero. Include ALL employees, not just those in minority categories, in columns 1, 2, & 3.

JOB CATEGORIES	ALL EMPLOYEES			MINORITY GROUP EMPLOYEES						
	Col. 1 TOTAL Cols. 2&3	Col. 2 MALE	Col. 3 FEMALE	MALE			FEMALE			
				Blk	Hisp	Am. Ind	Oth.	Asian	Blk	Hisp Ind
01 Officials and Managers										
02 Professionals										
03 Technicians										
04 Sales Workers										
05 Office and Clerical										
06 (Skilled) Craftworkers										
07 (Semi-skilled) Operatives										
08 (Unskilled) Laborers										
09 Service Workers										
10 TOTAL										
11 Total Employment from Previous Report (if any)										

The data below shall NOT be included in the figures for the appropriate categories above.

9. HOW WAS INFORMATION AS TO RACE OR ETHNIC GROUP IN SECTION B OBTAINED? ☐ 1 VISUAL SURVEY ☐ 2 EMPLOYMENT RECORD ☐ 3 OTHER (Specify) _____

10. IS THIS THE FIRST EMPLOYEE REPORT SUBMITTED? 1 yes ☐ 2 no ☐

11. IF NO, DATE OF LAST REPORT SUBMITTED: MO. DAY YR.

SECTION C - SIGNATURE AND IDENTIFICATION

NAME OF PERSON COMPLETING FORM (Print or Type) (CONTRACTOR EQUAL EMPLOYMENT OFFICER)	SIGNATURE	TITLE	DATE
			MO. DAY YR.

ADDRESS (No. & Street) (City) (State) (Zip Code) PHONE (Area Code) & (No. Extension)

M E M O R A N D U M

HOUSING AUTHORITY OF THE CITY OF NEWARK

TO: All Department Heads

FROM: Office of Affirmative Action

SUBJECT: INSTRUCTIONS FOR COMPLETING AFFIRMATIVE
ACTION EMPLOYEE INFORMATION REPORT

Please read instruction carefully before completing form. Print or type all information.

1. Enter payroll location number.
2. Enter the name by which your department is identified.
3. Enter total number of employees.
4. Enter the physical location of the department. Include street, city, state and zip code.

COMPLETE THE EMPLOYEE INFORMATION REPORT FORM (AA302) AND FORWARD TO:

OFFICE OF AFFIRMATIVE ACTION
NEWARK HOUSING AUTHORITY
24 LOCK STREET
NEWARK, NJ 07103

AAO:pu
1/29/92

OFFICE OF AFFIRMATIVE ACTION
DAILY REPORT

Company Name: _____

Addenda: _____

Telephone No.: _____

Project T No.: _____

Site Location: _____

Date: _____

Super/Foreman: _____

A.A. Specialist: _____

[illegible]

OFFICE OF AFFIRMATIVE ACTION
Weekly Employment Report

Start Date

Completion Date

[illegible]

BIDDERS CHECKLIST

Following is a checklist to aid the bidders in completing the bid documents. Please check off the item completed for accuracy and completeness of the bid document:

NO.	PAGE NO.	DESCRIPTION
1.		Statement of Compliance - Affirmative Action
2.		Sample Union Statement
3.		Designation of Compliance Officer
4.		Contractors Obligations
5.		Contractors Projected Manpower Utilization
6.		MBE Utilization Certificate
7.		Daily Report
8.		Weekly Employment Report
9.		Bid Proposal
10.		Bid Bond
11.		Form of Non-Collusive Affidavit
12.		Qualification Questionnaire
13.		Financial Statement
14.		Statement of Compliance - Wages
15.		Affidavit of Affirmative Action Plan
16.		Performance and Payment Bond
17.		Indemnification Agreement
18.		Affidavit of Minority Business Enterprise Participation

AFFIDAVIT OF MINORITY BUSINESS
ENTERPRISE PARTICIPATION

State of _____

County of _____

_____ being first sworn states:

That I am _____

(a partner, officer, or owner, etc. of the bidder) the party making the foregoing proposal or bid and that said party will comply with the requirements of the Minority Business Enterprise Participation Programs of the Housing Authority of the City of Newark as provided in Section 21 of the Special Conditions and in furtherance thereof the party agrees to obtain at least 30% of the goods and services to be provided under this proposal or bid from qualified minority enterprises and that if awarded a contractor the bidder intends to acquire the stated percentages of goods and service to be supplied hereunder as hereafter described from the following minority business enterprise:

Minority Business Enterprise
(Address and Phone No.)

Percent of bid
(or dollar value)

Product of Service

(Use additional sheets if space is insufficient)

I understand that nothing herein obligates the Housing Authority of the City of Newark to approve of said Minority Business Enterprise as a supplier or subcontractor for the good or services stated and that the Authority may require this firm to substitute other suppliers or subcontractors in place of those specified. In addition, I understand that nothing herein gives any Minority Business Enterprise an enforceable right against the Housing Authority of the City of Newark.

Title

Sworn and Subscribed before me
this _____ day of _____, 19____.

AFFIRMATIVE ACTION BID PROPOSAL ASSESSMENT

1. Title: _____

2. Early Alert Notices sent to MBES:
 Company: _____ Address: _____
 a. _____
 b. _____
 c. _____
 d. _____
 e. _____
3. MBES who submitted bids:
 Company: _____ Address: _____
 a. _____
 b. _____
 c. _____
 d. _____
 e. _____
4. Has Bidder agreed to share 30% of his/her gross bid with Sub-Contractor W/MBE(s)? Yes _____ No _____
5. If not, Why? _____
6. Sub-Contractor W/MBE(s) and the percentage of participation.
 Company: _____ Address: _____ Service: _____ (%)
 a. _____
 b. _____
 c. _____
7. Standard Affirmative Action Bid Proposal Documents:
 a. Certificate of Compliance Yes _____ No _____
 b. Union Statement Yes _____ No _____
 c. Intended Goals Yes _____ No _____
 d. Manning Table Yes _____ No _____
 e. Contractor's Obligation Yes _____ No _____
 f. Affidavit of W/MBE Participation Yes _____ No _____
8. Date of Review: _____
9. Prepared By: _____
10. Submitted By: _____

Title: _____ Date: _____

SUMMARY: _____

IT IS UNDERSTOOD THAT THE BIDDER SELECTED SHALL NOT BE DESIGNATED AS THE APPROVED CONTRACTOR UNTIL THIS ASSESSMENT DOCUMENT HAS BEEN SIGNED BY THE NHA AFFIRMATIVE ACTION OFFICER.

MEMORANDUM

TO: _____
 Name of Firm

 Address

 City & State

FROM: Affirmative Action Officer

RE: NHA Bid Number: _____

Your firm has presented the lowest acceptable bid for _____ in response to the above cited bid specification that was recently advertised.

As noted in the bid package, The Newark Housing Authority (NHA) Board of Commissioners has established a policy that 30% of contracts awarded shall be provided to (a) Certified Minority Business Entrepreneur (MBE/WBE) participant(s).

You are further notified that no Contract or Notice to Proceed will be approved until the MBE/WBE has been identified and a conditional written agreement entered into between the Prime Contractor and the Subcontractor MBE/WBE, subject to the approval of the NHA Board of Commissioners.

Procedurally, the contract between your firm, the NHA, and the named participant(s) shall be submitted simultaneously to the Commissioners. No contract that fails to include a fully negotiated sub-contract with a Certified MBE/WBE shall be forwarded to the NHA Board for ratification.

Please submit your sub-contractual agreement(s) between your company and the MBE/WBE participant(s) as soon as possible in order to expedite the approval process with the Authority.

SAMPLE CONDITIONAL AGREEMENTS
FOR OPTIONAL USE BY CONTRACTOR/BIDDERS

Newark Housing Authority
Affirmative Action Contract Compliance Policy

Whereas, the _____ has been evaluated
(Name of Company)
and designated to contract with the Newark Housing Authority(NHA)
to perform as follows:

-----, AND;

Whereas, it is the policy of the Newark Housing Authority to support the participation of Minority and Women Entrepreneurs in all Vendor and Service Contracts entered into with all who do business with the Authority, the following conditional agreement shall be binding upon all successful prime Contractor bidders and their Minority or Women Sub-Contractor(s).

The dollar value of MBE/WBE contracts shall equal 30% of the Prime Contractor's award. In addition, this agreement must be fully executed and submitted to the Newark Housing Authority Board of Commissioners, along with the resolution that approves the goods to be purchased or the work to be performed.

Conditional Agreement for Service Contracts

This agreement by and between _____
Prime Contractor, and _____, Sub-
contractor, is entered into for the following purpose and on the
terms specified herein.

Project Name: _____

NHA Project Number: _____

Scope of Work: _____

NHA Work Site: _____

Amount of Contract: _____

Payment Schedule: _____

Special Conditions: _____

The parties to this agreement hereby acknowledge their acceptance of all terms and conditions set forth herein by affixing their signatures below:

PRIME CONTRACTOR:

SUB-CONTRACTOR:

(Name of Company)

(Name of Company)

By: _____

By: _____

Title: _____

Title: _____

Date: _____

Date: _____

This agreement will come into full force and effect if and when the contract specified herein is approved by the Board of Commissioners of the Newark Housing Authority.

Conditional Agreement
(For Vendor Purchase and Sales Contracts)

It is hereby agreed that _____, Prime Contractor for Newark Housing Authority Project number _____, shall purchase the following supplies from the Vendor(s) listed below:

Item(s) to be purchased: _____

Amount of purchase(s): \$ _____

Condition(s) of purchase(s): _____

The parties to this agreement hereby acknowledge their acceptance of all terms and conditions set forth herein by affixing their signatures below:

PRIME CONTRACTOR:

SUBCONTRACTOR:

(Name of Company)

(Name of Company)

By: _____

By: _____

Title: _____

Title: _____

Date: _____

Date: _____

This contract will come into full force and effect if and when the contract specified herein is approved by the Board of Commissioners of the Newark Housing Authority.

NHA MINORITY BUSINESS ENTERPRISE APPLICATION

1. Minority Firm Information

Name: _____

IRS#: _____

State of Incorp.: _____

Date of Incorp.: _____

2. Address

Street: _____

City: _____

State: _____

Zip Code: _____

3. Type of Organization
(Check One)

Individual _____

Partnership _____

Corporation _____

4. Certification

The undersigned official(s) of the above named Minority firm certifies the following:

a. That the above named firm is a bonafide Minority Business Enterprise. That at least 51% of the beneficial ownership is held by minority group members, or in case of a publicly owned corporation, at least 51% of stock is owned by minority group members.

For purposes of the preceding sentence, minority group members are citizens of the United States who are African-Americans, Hispanic Americans, Asian Americans, Native Americans, Eskimos and Aleuts; and Portuguese Americans.

b. That the named firm is owned, financially controlled and its daily operations are supervised by the minority official(s) named herein and who own at least 51% of the voting shares or interest; and

c. That a minimum of 51% of the net profit or loss to the named firm is attributable to the herein named official(s).

d. Indicate below the percentage of ownership by minority category. In the case of joint ventures, identify the percentage of minority participation in the joint venture.

CATEGORYPERCENTAGE OF OWNERSHIP

African-American

(AFRICAN-AMER) _____

Hispanic American

(HIS) _____

Native American

(NATIVE AMER) _____

Aleut

(ALT) _____

Eskimo

(ESK) _____

Portuguese

(PORT) _____

The point score of minority ownership must total at least 51%. In the event that ownership of the corporation/Sole/Partnership, amounts to less than 51% minority interest, the business can no longer be classified as a Minority Business Enterprise.

5. Please Indicate: () Minority Owned Firm
() Female Owned Firm
() Minority and Female Owned Firm
6. Year Business Established: _____
7. Total Number of Employees: _____
8. Present Net Worth: _____
9. Last Year's Annual Sales: _____
10. Nature of Business:
- | | | |
|--------------------|-----------------------|--------------------|
| Manufacturer _____ | Producer _____ | Wholesale _____ |
| Selling _____ | Agent _____ | Construction _____ |
| Supplier _____ | Other (Specify) _____ | |
11. Specify, in Detail, Products/Services Your Firm Provides:
- _____
- _____
- _____

12. What Insurance Coverage Does Your Business Have?

Comprehensive General Liability: \$ _____
(Bodily injury and property damage)

Comprehensive Automobile Liability: \$ _____
(Bodily injury and property damage)

Current Coverage with: _____

Policy No.: _____

Bonding Capability: Yes _____ No _____

Surety Company: _____

\$ _____

13. Are you interested in: Prime Contracting: ()
Sub-Contracting: ()
Both: ()

14. List Three(3) Client References:

Firm: _____	Firm: _____
Address: _____	Address: _____

Project: _____	Project: _____
----------------	----------------

Firm: _____	Firm: _____
Address: _____	Address: _____

Project: _____	Project: _____
----------------	----------------

15. Indicate MBE/WBE Certification Approval(s)

New Jersey Transit Corporation _____ Other _____
Port Authority of New York and New Jersey _____

16. Please Attach Letter Evidencing Certification Approval(s).

17. Certified by Signature: _____

Official Capacity: _____

Date: _____

18. All of the information submitted on the form(s) herein that certifies the entity to be a Minority Business Enterprise or Women's Business Enterprise, is accurate. Before affixing my/our signature(s) to this Minority Business Affidavit, I/We did thoroughly read its contents and do understand that any information intentionally submitted to falsify the actual true facts concerning the herein named firm, subjects me/us to prosecution.

Please note: a copy of any license or certificate possessed by the business must be submitted with the bid.

19. Name and Title of Authorized Official Telephone Number
of the Named Minority Firm:
20. Signature Date

Sworn and Subscribed to
before me on this _____
day of _____, 19____

NOTARY PUBLIC

AFFIRMATIVE ACTION CHECKLIST

NO.	PAGE NO.	DESCRIPTION
1.		Statement of Compliance
2.		Designation of Compliance Officer
3.		Union Statement
4.		Collective Bargaining Agreement(s)
5.		Affidavit(s) of MBE/WBE Participation
6.		Optional Conditional Agreement(s) Between Contractor/Vendor & MBE/WBE
7.		MBE/WBE Certification(s)
8.		MBE/WBE Application(s)
9.		Employment Goals
10.		Statement on Tenant Employment
11.		Employee Information Report(s)
12.		Daily/Weekly/Monthly Report(s)
13.		Manning Table(s)
14.		Certified Payroll Report(s)

RATIONALE FOR AFFIRMATIVE ACTION PROGRAMS

The concept of Affirmative Action derives from the position that historically numerous ethnic minorities were unfairly excluded from employment and business opportunities on the basis of racial classification. In order to aggressively address this issue, the various components of government have established regulatory criteria which provides assurance that socially disadvantaged persons are included as participants in employment opportunities, commodity purchases and service contracts in all areas of government.

Socially disadvantaged individuals are those who have been subjected to racial or ethnic prejudice or cultural bias because of their identities as members of groups without regard to their individual qualities. The social disadvantage must stem from circumstances beyond their control.

In the absence of evidence to the contrary, the following individuals are presumed to be socially disadvantaged: African Americans; Hispanic Americans; Native Americans (American Indians, Eskimos, Aleuts, or Native Hawaiians); Portuguese Americans.

Also, Asian Pacific Americans (persons with origins from Burma, Thailand, Malaysia, Indonesia, Singapore, Brunei, Japan, China, Taiwan, Laos, Cambodia (Kampuchea), Vietnam, Korea, The Philippines, U.S. Trust Territory of the Pacific Islands (Republic of Palau), Republic of the Marshall Islands, Federated States of Micronesia, the Commonwealth of the Northern Mariana Islands, Guam, Samoa, Macao, Hong Kong, Fiji, Tonga, Kiribati, Tuvalu, or Nauru); Subcontinent Asian Americans (persons with origins from India, Pakistan, Bangladesh, Sri Lanka, Bhutan, the Maldives Islands or Nepal); and members of other groups designated from time to time by the SBA.